

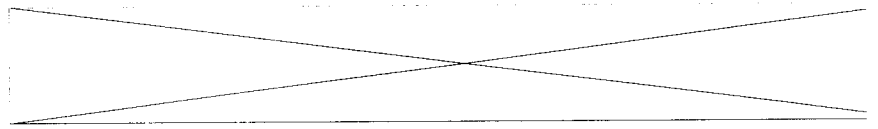
SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

Enclosed are clippings of the latest local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office as of:

Thursday, June 17, 2004

The press clips are produced Monday to Friday.
If you are aware of omissions or have any comments or suggestions please contact
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Norman Questions Right to Try Him

Concord Times (Freetown)

NEWS

June 16, 2004

Posted to the web June 16, 2004

By Osman Benk Sankoh

Freetown

The question of the Special Court's mandate to try indicted persons of the decade long civil war in the country was once again tested Tuesday when Chief Sam Hinga Norman, First Accused in the ongoing Civil Defence Force (CDF) trial challenged the Court's constitutional right to try him.

Making his opening statement in his self-defence, Norman told the Court that there were no charges legally placed before him by the Trial Chamber nor has he taken any plea before it.

" This Court operating as a Trial Chamber does not have the constitutional right to try me," he said and adds that they have taken away the constitutional rights of the Chief Justice of Sierra Leone." Norman said whatever took place in Sierra Leone since 1991 has not been defined, " whether it was war or conflict." He said if it were a war, it should be defined as conventional or civil and if it were a conflict, it should be clearly defined as International or National.

Quoting Protocol 1 of the Geneva Convention, Norman said, in our own situation, what should have applied was a Commission of Inquiry to look into the crisis itself.

This was noted by the Presiding Judge, Benjamin Itoe who said, " we have taken note of your observations in the exercise of your rights under the rule," and asked that the Trial proceed.

Earlier, Norman indicated that he joined the army when he was 14 ½ years and during the interview, he said, when asked why he was joining the army at that age, " I was joining the army to defend Her Majesty's Empire." The first witness of the prosecution was a protected one with the alias, TF2-198 who said he was a resident of Koribundu and aged 52.

He gave graphic account of the kind of relationship that existed between them and the soldiers on one hand and the Kamajors that later came to join them in Koribundo.

He also narrated how he was captured by Kamjors in Bo together with his brother, tied with an FM rope, taken to a place called Y junction where a plastic was set ablaze, poured on his eyes and back and forced to look when his brother's head was being chopped off by the Kamajors.

The witness claimed that he was only spared because they wanted him to take the message of what awaits residents of Koribundo.

At some points, he broke into tears and the Court had to stand down.

Continuing with his testimony which was led by Trial Attorney, Charles Caruso, the witness claimed that he attended two meetings which Norman called and during the first, he claimed that the First Accused said he was disappointed with the Kamajors for not fully carrying out his orders of destroying the houses in the township while at the second, Norman was said to have stressed that the people should not blame the Kamajors but should hold him responsible for whatever happened to them.

Defence Counsel Yada Williams, Arrow Bockarie and Norman himself with the aid of interim Standby Counsel, Ibrahim Yillah also cross-examined the witness.

The matter was adjourned to today, Wednesday.



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17/06/2004 03:06

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Subject: Re: LEGAL ANALYSIS OF NORMANS AGUEMENTS ON 06/15

Dear All

I am reviewing Mr Norman's statement and evidence in court on 6/15/2004. I hope this help him reconsider his position.

NORMAN

Making his opening statement in his self-defence, Norman told the Court that there were no charges legally placed before him by the Trial Chamber nor has he taken any plea before it.

RESPONSE

Not taking a plea does not defit the purpose of trial as long as Mr. Norman has submitted himself to the jurisdiction of the court. Evidence of surrendering to the court's jurisdiction includes his cross-examination of witnesses. The fact that he is cross-examining witness is sufficient proof that he is contesting the charges. If there were no legal charges placed before him, why is Mr. Norman cross-examining witnesses on those charges? Chief has to be really careful of his logic.

NORMAN

" This Court operating as a Trial Chamber does not have the constitutional right to try me," he said and adds that they have taken away the constitutional rights of the Chief Justice of Sierra Leone."

RESPONSE

Mr. Norman, the Trial Chamber has all the legitimacy to try you. The Sierra Leone Parliament gives it the constitutive authority and also the power to trump ceratin provision of our constitutiion .and our court system.

NOORMAN

Norman said whatever took place in Sierra Leone since 1991 has not been defined, " whether it was war or conflict." He said if it were a war, it should be defined as conventional or civil and if it were a

conflict, it should be clearly defined as International or National.

RESPONSE

Chief, we were in an internal armed conflict which is also known as war. Your definitions are very confusing. I seriously think you need some help. What do you really mean by Conventional or international? People closer to you should stop dancing to the gallery and address the legal issues in your case. The charges before you are very serious and this is a very new area of the law with little jurisprudence. You are not legally competent to defend yourself. You are destroying your case. You are making people like us who empathize with you to feel very troubled by this deliberate self-destructionist path. GET YOUR LAWYERS TO DO THE WORK. YOU CAN GIVE THEM INSTRUCTIONS WHICH THEY CAN EXECUTE IN THE LANGUAGE OF THE LAW.

NORMAN

Quoting Protocol 1 of the Geneva Convention, Norman said, in our own situation, what should have applied was a Commission of Inquiry to look into the crisis itself.

RESPONSE

What has Protocol I got to do here. The only relevance of Protocol I in a situation of an internal armed conflict is in the area of civilian protection. Both Article 3 Common of the Geneva Convention and Protocol II do not quite provide for the protection of civilians in internal armed conflicts. The ICRC therefore suggests that since most of the provisions of Protocol I are of declarative of custom, provisions thereto that protects civilians could be applied to a situation of an internal armed conflict. The Columbia Report (Inter-American Commission) speaks to the same reality. I do not understand what Commission you are talking about. This is indicative that you do not know what you are saying.

WITNESS

He also narrated how he was captured by Kamajors in Bo together with his brother, tied with an FM rope, taken to a place called Y junction where a plastic was set ablaze, poured on his eyes and back and forced to look when his brother's head was being chopped off by the Kamajors.

RESPONSE

The defense should have asked for medical examination of the witness to see whether there are any scars consistent with plastic burns.

EVIDENCE

Continuing with his testimony which was led by Trial Attorney, Charles Caruso, the witness claimed that he attended two meetings which Norman called and during the first, he claimed that the First Accused said he was disappointed with the Kamajors for not fully carrying out his orders of destroying the houses in the township while at the second, Norman was said to have stressed that the people should not blame the Kamajors but should hold him responsible for whatever happened to them.

RESPONSE

???????????????????????????? I smell foul here.

I will be reviewing evidence as it comes out of the court. But I implore on all those that are fighting for justice to ask Chief Norman to reconsider his self-defense position. What I read above is way out of this world of international humanitarian law.

A

The New Star

some 44kilometers from

should be food security.

2nd Witness Nailed Hinga Norman

The 2nd witness to testify against the three indicted CDF commanders including Chief Sam Hinga Norman at the trial

chambers of the UN backed Special court made his testimony yesterday.

The protected 40-year-old witness, TF2-157 told the court that he was a native of Koribondo town. Father of seven

children, he said he is a farmer who went to school but only stopped at class 1. He told the court that he recalled witness-

ing Kamajohs attack Koribondo town on four occasions the last one, which occurred on Friday the 13th February 1998 at

around 1:30 pm whilst the Muslims were observing Jumat Friday prayers. He said after the one and a half hour battle, three kamajoh corpses were found outside.

He said he and his family left for Bo that night and returned the next day to his farm near

CONTINUED PAGE 2

Thursday June 17, 2004

FROM PAGE 1

Koribondo. On Sunday, he went on, he went back to Koribondo to see the situation. He said he witnessed at a bridge outside Koribondo, when two palm-wine tappers Sara Lamina and Sara Binkolo were killed after been beaten and mutilated by kamajohs. He said another chief in one of the towns, Chief Kelfala was also killed by kamajohs. He said Kelfala's ears were chopped off and the kamajohs asked them to bury him. He further said that in the garden where Chief Kelfala was to be buried, the kamajohs hacked off his legs so that he could go down the hole properly.

The witness further testified that another man Lahai Bassie, a neighbor of his, was also at one time molested, beaten and taken to the CDF commander. He said the Kamajohs on a search at the old man's house discovered a letter and photograph of a soldier in combat. He said the commander investigating asked as to the circumstances that led to him having the photograph. Lahai Bassie told them that he received the letter from his son who wrote to inform him that he was alive and now been enlisted into the army. He said it was then that the commander ordered the Kamajohs to untie Lahai and handed him to somebody for safe keeping whilst further in-

vestigation continued the following day. He said when Bassie was taken home his hands started to rot. He said Bassie died after one week's illness.

He concluded his testi-

mony on attending the meetings summoned by Hinga Norman at Koribondo court array claiming responsibility for what the Kamajohs did in the town as testified by

the 1st witness the previous day. Dr. Bu-Buakei Jabbi of the standby defence counsel of Chief Norman began cross-examination yesterday.

The matter is being adjourned to 9:30am this morning for further cross-examination.

NORMAN COURT TRIAL: WITNESS CLAIMS

KAMAJOR HORRORS IN KORIBONDO

By Mohamed Mansaray

A forty-year-old 2nd Special Court Prosecution witness (name withheld) TF2-157 told the court yesterday how he witnessed the killing of four people by Kamajors in Koribondo, Jaiama Bongor chiefdom, Bo district in February 1998.

SEE BACK PAGE

Sabre Times

Thursday June 17, 2004

Witness On Kamajor Attack On Koribondo

The four people were named as Sarah Binkolo, Sarah Lamina, Chief Kelfala and Lahai Bassie.

Testifying in court at Jomo Kenyatta Road, New England in Freetown yesterday, the witness said that both Sarah Binkolo and Sarah Lamina had their bodies mutilated by Kamajors using cutlasses before they were tortured to death on a Sunday. The witness said that a number of Kamajors were involved in the killing of the two men and sang songs as they carried out their inhuman acts. He said that the two men were buried near a bridge along Blama Road in the town.

Explaining the circumstances surrounding the killing of Chief Kelfala, the witness told the court that the chief was arrested in a nearby village and subsequently killed in Koribondo by the Kamajors accusing him of being a rebel/junta collaborator. He said the chief's body was also mutilated and was given two shots before he died. The deceased was buried in a small hole used by gardeners in the area for irrigation, the witness told the court. "We covered him and we returned home and the Kamajors were singing," he said.

The witness further told the court that an aged man Lahai Bassie was also tortured to death by the Kamajors during that period. He explained that the late Lahai Bassie had a son who was a military officer and his house was subsequently searched and his son's photograph discovered by the Kamajors. "He was beaten up and his hands tied behind his back with a nylon-type-rope called 'FM'". He said the late man was later taken to the commander at a junction in the town who ordered that he be untied and was in the custody of one Muharem Yayah. He said that the Bassie's hands swelled, got rotten and coupled with the beating, caused his death.

The witness who was testifying in Mendé through an interpreter further told the court that Mr. Norman visited the town and summoned a meeting at the court barray a couple of days after the town fell to the Kamajors. The witness quoted Mr. Norman as telling the audience in his opening statement that it was him (Mr. Norman) who ordered the capture of Koribondo by the Kamajors and that no one should ask them for whatever offences they allegedly committed in the process. The witness further quoted Mr. Norman as having ordered Kamajors to spare only the court barray, the mosque and a house in Koribondo.

In yet another visit, the witness continued, Mr. Norman summoned a meeting and frowned at people for grumbling about Kamajor atrocities and that whoever wishes to curse or swear Kamajors for any crime they should swear him instead. "This is war and if you are spared, work unitedly," the witness quoted Mr. Norman as further telling them during the meeting.

Under cross-examination by a standby defence counsel to the 1st CDF indictee, Dr. Bu-Bukei Jabbie, the witness recalled that the last Kamajor attack on Koribondo was on February 13, 1998 but did not know why the movement existed. The witness told the court that he personally did not see any Kamajor firing bombs in the town during the attack but said that Kamajors were the only organised group of fighters in the area at that time.

Norman and two other CDF indictees, Monina Fofana and Alieu Kondewa are accused of individual criminal responsibility for offences allegedly committed by civil militia fighters in Sierra Leone between 1996 and 2000.

How Kamajors Massacred At Koribondo

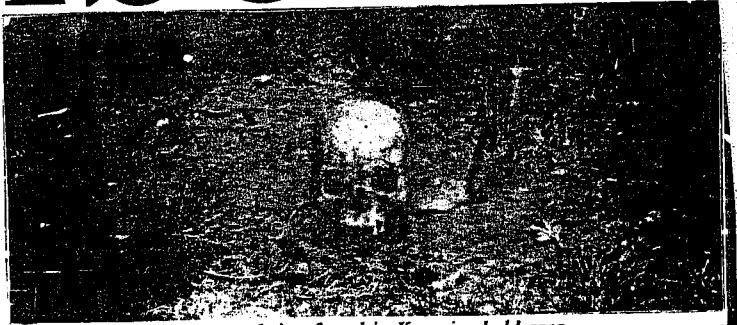
By Joseph Turay

A witness with the code name TF2 157 yesterday testified at the Special Court

that the Kamajor militiamen brutally mutilated and murdered two men at Koribondo, Jaiama Bongor Chiefdom in

the Bo District between 1995 and 1996.

Recounting the incident, the
Contd. page 2



Skull of human being found in Kamajor held area

From front page

forty-year-old witness said he was at his house in Koribondo at the said period when the Kamajors attacked the town and burnt down many houses.

The witness said following the incident he fled with his family to Bo, but they later had to return to Koribondo because of hardship.

TF2 157 said on their arrival he in the village he witnessed the scene where

two of his neighbours, Sarah Binkoloh and Sarah Lamina, were mutilated and killed by a group of Kamajor militiamen.

The witness said the deceased, who were Limba by tribe, were brutally killed after the Kamajors claimed that they were AFRC junta collaborators.

He explained that the victims were beheaded and limbs chopped off before the corpses were dragged to the nearby garden and buried in

a shallow hole by the Kamajors.

The witness further explained that he witnessed the beheading of the Town Chief, Pa Kelfela, and the brutal murder of one Lahai Bassie, after the Kamajors discovered the picture of a soldier in his house during the last attack on the village on February 13, 1998.

Meanwhile, cross-examination of the witness started yesterday and it will continue today at the Special Court.

The Exclusive

Thursday June 17, 2004

Norman Took Blame For Kamajor's atrocities - *Witness*

By Samuel John

The second Prosecution witness in the on-going trial of Special Court indictee Chief Sam Hinga Norman and two others in the CDF high command, yesterday

said in his evidence in chief that the first accused told the people of Koribondo that they should blame him for Kamajors atrocities. The witness who was dubbed as TF2-157 further said

the first indictee told the gathering in Koribondo Court Barray that the Kamajors should not spare any living things, only the Court Barray, the Mosque and the house that he would be residing

As a result of his utterances he went on, "we civilians were afraid so I left the barray for a destination far off." He recalled seeing the first accused again within the

Contd. Page 2



CDF Coordinator Chief Sam Hinga Norman

Norman Took Blame For Kamajor's atrocities

From Front Page

township when he addressed them for the second time, saying, "people of Koribondo you are still grumbling and when the Kamajors are passing you swear them, don't curse them curse me." The witness further stressed that Chief Norman was credited to have told the people "tamaboros, rebels came they killed and nobody blamed them, so why blame the Kamajors, this is war." The witness emphasised that when Chief Norman made these statements the Kamajors held him in high esteem. The witness narrated to the court how two people -

Chief Kelfala, who was accused of being a rebel collaborator and one Lahai Bassie were brutally mutilated and murdered. The witness who said he is in his 40s narrated that Chief Kelfala was taken to the Kamajor's headquarter within the township with his ear chopped off by the CDF fighters. The court was told that he was arraigned before the Commanding Officer, but he instructed that he must be taken away out of his sight. But that did not prevent him from being killed the witness stressed, noting that three other people and himself witnessed the killing of

Chief Kelfala. He told the court that the killing happened right in front of the hospital in Koribondo where the right shoulder was also mutilated before he was killed. The witness also explained to the court how he was told "go and bury your brother we are going to kill him." On how the killing took place, the witness indicated that the deceased was fired twice before he was forced into a small hole in the well, which gardeners used to water their vegetations. Narrating how Lahai Bassie was killed, the

witness said that because his son's military photograph was found in the former's room, he was taken to the Commanding Officer who gave instruction that he should not be killed. But he was tied

and he became swollen after they have released the ropes tied round his body and eventually died a week later. Under cross examinations from standby counsel Dr. Bu Bukei Jabbie, for Chief Hinga Norman, the

witness could not recalled any other date put to him except the last attack of Koribondo which he said in his testimony that took place on February 13 1998. The standby counsel will continue his cross-examination when the case resume this morning.

Awoko

Thursday June 17, 2004

Witness testify how Kamajors killed palm -wine tapers

By Osman Benk Sankoh

A protected witness for the Prosecution in the ongoing Special Court trial of Civil Defence Force (CDF) indictees, TF2-157 yesterday explained that he saw Kamajors killed and buried two Limba palm wine tapers, Sara Binkolo and Sara Lamina in Koriundo just because they were alleged to be junta collaborators.

During Cross Examination by Trial Attorney, Charles Curuso, the witness claimed that the two victims were dragged along the streets and their bodies mutilated by Kamajors using machetes.

He claimed that they were later shot and bodies buried in a heap and added that he also witnessed the killing of a Chief from Bendu village, Chief Kellala whom the Kamajors also described as, 'junta collaborator.'

The witness further told the Court that the Kamajors mercilessly mis-

treated a town's elder, Lahai Bassie because they found a picture of his son who was a soldier in his house and stressed that he died a week later because of the pains inflicted on him by the Kamajors.

TF2-157 said he was also in Koriundo when Maada Norman came to address them and stressed that he ordered the Kamajors to kill and destroy Koriundo because residents there had hosted the junta.

He said Norman announced that he had informed his Kamajors not to spare anything including even the trace of a rat save for the Court Barre, the mosque and the house in which he was to sleep during his stay in the town.

During Cross Examination by Standby Counsel for Norman, Dr Bu-Buakei Jabbie, the witness maintained that Norman had ordered that residents should avail themselves of the oppor-

tunity to be initiated into the Kamajor society for their own protection.

He claimed that the Kamajors last attacked the town on Friday February 13, 1998 though he could not say exactly when Norman addressed the two meet-

ings he held in the township and for him, Kabbah was elected into office in 1996.

The Cross Examination continues today when the trial resumes this morning.

Concord Times

Thursday, June 17, 2004

The Exclusive

Thursday June 17, 2004

Special Court In Racial Scandal

The Special Court for Sierra Leone that was set up to indict and try those bearing the greatest responsibility during the ten-year civil conflict in this country has been accused of racial discrimination in the ongoing trials.

Reports gathered indicate that at the Special Court local journalists on coverage are being discriminated against their White colleagues from abroad.

According to reports, the Special Court initially did not provide any sitting accommodation for the numerous local journalists doing coverage on the trials until the journalists expressed their dissatisfaction with the poor set up in the court room before the court could reluctantly make an ad-hoc sitting arrangement for them.

"Even so, the seats are not enough to accommodate the number of local journalists that want to do cov-

erage on the trials," one of the local journalists who begs not to be named said.

The local journalist also alleged that they are being molested by what he described as the "White arrogant security guards who have been employed by the court to feed on the UN largesse."

Reports also indicate that foreign journalists have priority over the local journalists in terms of sitting accommodation, snapping the accused in court and getting support from the court officials such as providing them with information on the trial.

Again, the "arrogant security guards" are reported to be depriving the local journalists of their freedom of speech.

"Last Tuesday one of them ordered a senior colleague to sit against his

wish but the furious journalist had to strike back before the security guard could mellow," another journalist alleged.

The journalist observed that the most disgraceful thing about the court is the poor quality of the public address system which is nothing to write home about, adding that the public address system most often goes off during trial, thus making mockery about the essence of the court.

"I actually wonder where the UN and donor money have all gone," he queried.

Meanwhile, some journalists who spoke to this press on condition of anonymity have threatened to boycott the special court trials should the racial discrimination continue.

UNICEF study shows dire situation for women, children in southern Sudan

16 June 2004 – A girl born in southern Sudan is 10 times more likely to die in childbirth or pregnancy than to complete primary school, a new study by the United Nations Children's Fund ([UNICEF](#)) shows as it observes Day of the African Child today.

The study, *Towards a Baseline: Best Estimates of Social Indicators for Southern Sudan*, found that about one in nine women dies in pregnancy or childbirth, compared to one in 100 girls who finish primary school.

Young children from southern Sudan, which has endured 21 years of civil war, are also in grave peril of dying from preventable disease. About 95,000 children aged below five, from a pool of 7.5 million young children, are estimated to have died last year. This compares to the 76,000 children under five – from a combined population of 938 million – who died in 31 industrialized countries during the same period.

The report shows that southern Sudan ranks as the worst place in the world on many health and social indicators, including chronic malnutrition rates, completion of primary school, ante-natal care and immunization rates. The situation is hardest for women and children.

Since 1983 southern Sudan's civilian population has been caught in the middle of a war between the Sudanese Government and the Sudan People's Liberation Movement/Army (SPLM/A). Between three and four million people have become internally displaced or refugees in neighbouring countries and at least two million people have been killed.

Last month representatives from Khartoum and the SPLM/A initialled three protocols aimed at ending the conflict. The two sides are expected to sign a comprehensive peace agreement within the next three months.

In a statement issued today alongside the report, UNICEF called on Sudanese authorities, civil society and international donors and non-government organizations (NGOs) to focus their relief efforts on the survival and development of children.

Bernt Aasen, UNICEF's chief of operations for southern Sudan, said: "We know we can make huge improvements in the lives of Sudan children if the peace process is a success. This generation might be the lucky ones."

Meanwhile, the Special Court for Sierra Leone – set up in an agreement between the UN and the Government to prosecute those who committed the worst atrocities during the West African country's long-running civil war – also observed Day of the African Child.

Court Prosecutor David M. Crane issued a statement saying the children of Sierra Leone were the main victims of its civil war. Many were killed or injured, but others were forced into combat and coerced into committing crimes.

Mr. Crane noted that the Court's Appeals Chamber recently handed down a landmark decision that allows people who recruited child soldiers to be prosecuted for a crime against humanity.

"There can now be justice for Sierra Leone's children living with the horror of what they were forced to do to others," he said.

The Day of the African Child was first observed in 1991 after the then Organization of African Unity (OAU), now known as the African Union, moved to commemorate the children killed in Soweto, South Africa, in 1976 while protesting for better education opportunities under apartheid.



Nigeria is Obligated to Surrender Charles Taylor

P.M. News (Lagos)

OPINION

June 14, 2004

Posted to the web June 14, 2004

By Wahab Shittu

Lagos

The next question to examine is the status of Interpol and whether it is competent to effect the arrest of Mr. Taylor for purposes of trial in Sierra Leone.

Interpol is not an International Police with agents around the globe. Rather, it serves as a clearing house for the exchange of information and requests for assistance from member police agencies. It furnishes members with studies and reports on individuals and groups engaged in international crimes - that is, information on persons who tend to operate in more than one country, or commit a crime in one country and flee to another, or operate in country, but affect the safety of another. Interpol uses an extensive radio network and circulars to provide members with information on wanted criminals, missing property, and unidentified bodies.

The principal crimes of interest to Interpol are narcotics traffic, counterfeiting, smuggling and lately heinous crimes.

It can be said with sufficient authority that in view of the sovereign status of Nigeria and the established principle of non-interference in the domestic affairs of states, the Interpol may not be able to effect the arrest of Mr. Taylor directly without consulting and obtaining the support, collaboration and endorsement of the Nigerian Police.

The facts that have emerged from the above analysis are: - Nigeria as a sovereign state, which is a member of civilised nations, including the United Nations, is obliged to surrender Mr. Taylor for trial and is protected by International Law in this regard.

- Interpol, not being an International police, may only collaborate with the Nigerian Police (to which it must furnish detailed particulars) before apprehending Mr. Taylor for trial.

- The internal legal system is obliged to guarantee the enabling environment, including respect for fundamental rights and fair hearing principle in the trial of Mr. Taylor.

- It is true that Nigeria may have consulted with the United States before granting political asylum to Mr. Taylor, such consultation, does not, however, amount to an endorsement by the United Nations, and is in fact independent of the allegations preferred against Mr. Taylor in respect of which he is entitled to take steps to defend himself and proclaim his innocence.

Nigeria would be daring the international community and in fact would be breaching the spirit and letter of international law if it fails to surrender Mr. Taylor for trial to enable his guilt or innocence to be established.

Perhaps it also needs to be stressed that the asylum extended to Mr. Taylor is political asylum as opposed to diplomatic asylum. Diplomatic asylum is the practice of giving asylum to political fugitives in embassies, legations, consulates and warships. Sovereign countries may utilise the refuge provided by their embassies to grant asylum to political fugitives since embassies are entitled to diplomatic immunity. The practice is, however, subject to abuse. There were instances when this privilege was unduly exploited to escape the local police. But this has not stopped the practice from being entrenched in several agreements and treaties between sovereign countries.

On a final note, it would be right to advise the Nigerian government to handle the Taylor matter with tact and diplomacy. While commending the Nigerian government for ensuring peace in Liberia through the asylum granted to Mr. Taylor, we must however, be conscious of our international obligations and the sanctions flowing therefrom.

It may be appropriate to examine the likely sanctions that may be imposed on Nigeria by the international community if it fails to surrender Mr. Taylor for trial. Sanctions for breach of international law obligations depend on the circumstances of each. Indeed, the perceived lack of coercive sanctions has induced some writers to assume that international law has the character of morality rather than of law. This view is patently erroneous for there are specific sanctions that may be applied on any erring country in breach of international law obligations. There are likely sanctions of good faith, of foreign office habituation, of national self-interest and of world opinion.

Indeed, it is one of the requirements of peaceful coexistence for all sovereign countries of the world to relate with one another in an atmosphere of utmost good faith. This is the very essence of bilateral and multilateral relations entrenched in foreign policy objectives, international relations and diplomacy.

Flowing from this accepted norm and practice, Nigeria ought not to refuse to surrender Mr. Taylor for trial if such a request is validly made through recognised diplomatic channels and in conformity with the prescriptions of international law.

Nigeria, being a member of the civilised world community, a signatory to the United Nations charter and several other International instruments as well as key player in the world democratic project would be in breach of the principle of good faith to which all nations subscribe if it refuses a valid request to surrender Mr. Taylor for trial. In the unlikely event of an occurrence, Nigeria may be exposed to negative world opinion and hostility. It would amount to descending into the sad events of our recent history when Nigeria had assumed the status of a pariah country.

We should avoid a situation where there could arise the probability of retaliatory action against Nigeria by the state injured by the violation of international obligation.

There is also the possibility of Nigeria being subjected to the activity of international agencies in organising positive sanctions for failure to surrender someone alleged to have been involved in serious violations of international law. Other likely sanctions that may be applied against Nigeria include trade embargo and other economic and political restrictions. We also hope it does not degenerate to severance of links by countries who may feel injured by Charles Taylor's alleged atrocities and refusal of our country to surrender him for trial to determine his guilt or innocence.

However, the effectiveness of these sanctions has varied during the past five centuries, according to the stability of the balance of power, the efficiency of international organisations and the adoption of international law to changing conditions.

It is also important that the issue is handled with so much tact and diplomacy to forestall the outbreak of war. This is particularly so since the United States is on record to have manifested deep interest in the surrender of Mr.

Charles Taylor for trial. Recent events have shown that no issue is too insignificant to be underrated. The Iraqi war is still raging with devastating consequences. Nigeria and Nigerians cannot afford the evil effects of an avoidable war. This is the more reason why all parties involved in the Charles Taylor matter must return to the path of legality by upholding International law.

Indeed, Nigeria has set a good precedence by intervening at the appropriate time in saving our brothers and sisters in Liberia from further bloodshed and needless war that could rock the African continent and the entire world. This gesture must, however, not be compromised by a refusal to surrender Mr. Charles Taylor for trial. Afterall, nobody is above the law and Mr. Charles Taylor, having relinquished office, is no longer entitled to any immunity from civil and criminal proceedings.

The best that Nigeria could insist on, in the circumstances, is a guarantee of a fair and transparent trial process that would ensure justice to Mr. Charles Taylor as an important citizen of the world and justice to all sides in dispute.

Concord Times

Thursday June 17, 2004

From the sagely archives

By Tanu Jalloh

Is the TRC Reconciling?

This has mounted serious concerns for what his following believe and hold as a calculated and deliberate stab in the back. Sources from within the confines of the detention say Norman could be heard cursing his betrayers. I'm sure this is definitely not the kind of precedents the TRC would want to leave for generations' hereafter. As the Executive Secretary, TRC puts it, "...we will be leaving a wealth of information. We will be leaving archives, we will be leaving audio-visual, and documentation of what transpired...we will be leaving the knowledge for our future generations, the knowledge of what happened."

Should Norman and others in detention be given the opportunity to testify before the Commission now, would that create a balance? Again Frank Kargbo has said this, "we have not had the opportunity for any of the indictees to testify before the Commission. We were in the process

of negotiation with some of them when the indictments were issued and some of these people were arrested." Therefore, what will the testimonies and accounts of men who have tasted the wrath of the Special Court sound like? Men, who believe they have been tricked, betrayed and conspired against. Or don't we think others people's liberties are at stake? I'm only asking. Our contributions to a comprehensive and accurate historical documentation of the civil conflict in Sierra Leone might be completed if an imbalance in the scale of information gathering, with particular reference to the TRC, could create a vacuum between now and the pre-conflict situation. Let's be honest to his conscience, the TRC is yet faced with a complex task in its dream to present a clear report, unbiased, accurate and free from any political manipulation whatsoever. May be we can count on the Bishop's pledge.

The Exclusive

Thursday June 17, 2009

Arms Arrested In Bo

By Arthur Caulker

Thirty people were on Monday 7th June arrested at the Zimmi Makpele bridge close to the Liberia border with a large cache of arms and ammunition on board a red Madza van with registration number AAC 900.

When the thirty people who purported to be footballers were interrogated by the Local Unit Commander in Zimmi, Superintendent



CDS Mai Gen. Sam M'boma

Comber, one of them, Jim Nagbe, said they were going to Liberia to disarm in order to claim their combat benefits.

The Madza van they were using reportedly had a banner in front with football inscription, chanting football songs as though they were travelling to a neighbouring village to play a football match.

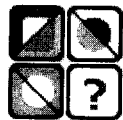
The police who were suspi-

cious of the movement did not take any chance, they interrogated them and later discovered the large cache of arms and ammunition in the van.

Meanwhile the thirty arrested people who are of Sierra Leonean, Liberian and Guinean backgrounds are at present detained in Bo help-

ing the police with the investigation while the arms and ammunition are to be transported to Freetown for security reasons.

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Sierra Leone fighters nabbed smuggling arms into Liberia

FREETOWN (AFP) Jun 16, 2004

Sierra Leone police said Wednesday they had arrested several ex-combatants trying to smuggle weapons into Liberia, fueling fears that arms may still be passing easily across porous west African borders.



Police spokeswoman Kadi Fakondoh said a group of young men was nabbed outside the southern city of Bo and charged with unlawful possession of arms that they had collected, along with ammunition, to carry over the border and exchange for cash.

Liberia is currently in the throes of a massive campaign to disarm an estimated 50,000 combatants from three factions after 14 years of war.

Like in Sierra Leone, which wrapped up its own disarmament operation earlier this year, each fighter is given 300 dollars (250 euros) and vocational training or schooling after turning in a weapon or ammunition.

Another group of former combatants was arrested before crossing the Mano River bridge into Liberia, bearing armloads of weaponry they had stashed in containers.

Military chiefs for the three UN missions deployed along the troubled west African Atlantic coast met last week to plot strategies to thwart such arms smuggling which they fear could threaten the fragile peace in Sierra Leone, Liberia and Ivory Coast.

They insisted, however, that joint land, air and sea patrols were keeping border areas tightly sealed. Major General Sajjad Akram, the force commander

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for the UN mission in Sierra Leone, said then that that the border with Liberia was "absolutely under control."

"Let me assure you there is no visible or worthwhile movement of ex-combatants or arms and ammunition across the borders," Sajjad said at the June 10-11 meeting in the Liberian capital Monrovia.

A status report about Liberia's security situation released last week by UN Secretary General Kofi Annan spoke of "worrying signs" that heavy weapons are not being turned in under the 50 million-dollar disarmament process, but "in several instances, have been smuggled across the borders."

Sierra Leone had been declared weapons free after a five-year effort to disarm 70,000 former fighters from the brutal war that raged from 1991-2001.

Rights watchdogs have warned, however, that purchasing weapons in Sierra Leone remains a relatively simple and inexpensive proposition.

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Liberia: Security Council issues list of individuals whose assets are to be frozen

16 June 2004 – The United Nations Security Council has issued a list of associates of former Liberian President Charles Taylor, including his immediate family, whose assets are to be frozen under a resolution adopted earlier this year.

The list released yesterday includes Mr. Taylor, his wife, Jewell Howard, son, Charles Jr., and two ex-wives, Agnes Reeves Taylor and Tupee Enid Taylor.

Among the senior government officials and other associates named in the list was Viktor Anatoljevitch Bout, whom the Council says is a dealer and transporter of weapons and minerals that supported Mr. Taylor's regime in an effort to destabilize Sierra Leone and gain illicit access to diamonds.

In March, the Council adopted a resolution ordering countries to freeze the assets of named individuals to prevent them "from using misappropriated fund and property to interfere in the restoration of peace and stability in Liberia and the sub-region."

That text contained provisions exempting basic expenses, including payment for food, rent, mortgage, medicines and medical treatment, taxes, insurance premiums, public utility charges, or payment of reasonable professional and legal fees.

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DID WE COMMIT WAR CRIMES?



Mon Jun 14, 11:41 AM ET

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By William F. Buckley Jr.

The high non-Reagan moment of the week came when Attorney General John Ashcroft ([news - web sites](#)) contended with Sen. Edward Kennedy on the whole business of torture. Ashcroft was explaining something not terribly complicated, but it led to combat. Ashcroft had said that in denying to the congressional committee copies of the memorandums that had been sent to advise the president on the matter of permissible conduct in war, he was not invoking executive privilege.

"What are you invoking?" Kennedy asked, causing much mirth and derision.



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Special Coverage



William F. Buckley

John Ashcroft is not to be confused with Oliver Wendell Holmes when explaining legal quandaries or dilemmas. But his primary points were reasonable. They were that in the opinion of some legal analysts, the al-Qaida captives were not entitled to the protections defined by the Geneva Conventions. They are not members of an "army," therefore not "combatants" within the meaning of the Geneva protocols.

Now, all that of course does not instruct us on the moral question: Were we entitled to deal with the prisoners at Abu Ghraib in the way we did? The answer is clearly, No. But that answer carries a lot of freight, because there are people circling the scene who are very eager to prosecute the United States for war crimes. These people, it is fair to generalize, are less interested in war crimes than in prosecuting the U.S. for committing war crimes. The question of U.S. responsibility is political in its implications.

Arguing in favor of facing the question in The Hague ([news - web sites](#)), Jonathan Tepperman of Foreign Affairs magazine reminds us that "legal principles can affect politics. If voters begin to believe that George W. Bush or Donald Rumsfeld is legally responsible for the torture, it could affect the president's chances in November." But if we do not agree to come on stage as defendants, we undermine the international case against war crimes.

Mr. Ashcroft didn't suggest he had authority to dispose of such questions, but he was firm in insisting that memos sent to the president on such issues as this have to be secure from legislative scrutiny, invoking, quite simply, not the executive privilege, but the separation of powers.

Without intending to condone such things as happened in Abu Ghraib, a counselor to the president might be asked to opine on what are the permissible standards of interrogation of al-Qaida forces. It is easy to say that those standards should be obvious -- they are deduced from the Bible, the Areopagitica, and the Department of Ethics at Harvard. A very good case can be made for saying this, but not a case that illuminates questions of legal exposure. And, incidentally, not necessarily a case that accosts battlefield realities.

The best way to confront the question, How far can you go in interrogatory techniques? is to answer: It isn't possible categorically to say. At what point does constant exposure to light slide over from deprivation into torture? Obviously we expect interrogators to be persistent even into invasions of time normally reserved for sleeping. But when does that clock sound? After 16 hours? 20 hours? 24 hours?

The movement now is to assign responsibility to a military official wearing more than the two stars of Maj. Gen. George Fay. If you want to bring in lieutenant generals and four-star generals and get answers from them, you have to have a full-blooded warrant from the president, and it is being sought.

The best evidence of the incongruity of Abu Ghraib with American standards is the universal revulsion felt by the American people when those photographs were published. But right now there are only seven soldiers being prosecuted, and the sense of it is that that does not go deeply enough. If what happened was odious, but what happened did so under the auspices of a well-organized military, then you scratch up against the lessons of Nuremberg, which held superiors responsible for misconduct by subordinates. And people are wanting to know what are the relevant jurisdictions, and what tribunals do we have in mind to convoke in order to satisfy ourselves -- and the world -- that America wants more than merely to punish the people who did it. We need to punish also the people who let it happen.

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June 17, 2004, Thursday

LENGTH: 812 words

HEADLINE: Putting the **Khmer Rouge** in the dock

BYLINE: The Nation.

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Putting the **Khmer Rouge** in the dock

These days suspected war criminals ' from Rwanda to Serbia to Sierra Leone ' are in the **dock**. Dozens are still on the run, but hope remains that they, too, will face justice. This is not true of the perpetrators of the Cambodian genocide of the 1970's. They remain free, and nobody is looking for them.

A quarter of Cambodia's population of eight million was executed, starved to death, or succumbed to disease during the **Khmer Rouge's** rule from 1975-79. There has been no real trial, no truth commission, and no official acknowledgement of one of the most heinous crimes in human history.

As a result, many Cambodians born since 1979 do not understand the scope and gravity of the atrocities. Meanwhile, the anguish and sorrow of survivors ' almost all of whom lost loved ones ' have not found redress. This may be about to change. A year ago, the United Nations and the Cambodian government agreed in principle to establish an 'Extraordinary Chambers' composed of Cambodian and international prosecutors and judges to investigate and try the 'senior leaders of Democratic Kampuchea and those who were most responsible for crimes' under **Khmer Rouge** rule. Ratification of the agreement has been delayed by the stalemate among Cambodia's bickering political parties following last year's elections. But a breakthrough appears close. The decision to create a tribunal for the **Khmer Rouge** is a major achievement after a decade of diplomatic effort. To implement it, however, a number of hurdles remain.

The first obstacle is cost. Cambodian authorities can help build their credibility by curbing the temptation to pad bills and inflate salaries. But outsiders will inevitably bear the lion's share of the budget for the tribunal. The current estimate ' US\$50 million (Bt2.05 billion) over three years ' has shocked donor governments. But this compares favourably with the Special Court in Sierra Leone (more than \$70 million over three years), and the \$100 million spent annually on the international courts for Rwanda and Yugoslavia.

The price is appropriate. The US and others fuelled Cambodia's civil war in the 1970's, then lent the **Khmer Rouge** legitimacy in the 1980's by insisting that they continue to occupy Cambodia's seat at the UN. If the trials are to proceed, donor countries must see the Extraordinary Chambers as a prudent investment toward a stable and productive Cambodia. Given how long it has taken to get this far, donors come up with the necessary funds.

The second hurdle stems from the fact that Cambodia's tribunal will be the first internationalised court in which domestic judges form a majority. This poses a particular challenge in a country where lawyers were among the targets of genocidal violence, where few sitting judges possess formal legal training and which has little tradition of judicial independence. There is thus concern that some in Cambodia's government ' which includes officials who once served under the **Khmer Rouge** ' will seek to hijack the trials for political ends. The trials should be conducted transparently and with broad public involvement. Non-governmental monitors need to scrutinise the proceedings to ensure that errors are identified early enough to be corrected. The UN must make clear that it will halt the tribunal if it falls short of international standards. The third hurdle is the danger that the Extraordinary Chambers will be regarded as the end rather than the beginning of a long-term search for accountability and legal reform. Given time and resource constraints, it is unlikely that more than a dozen defendants will be tried. Their many victims will rightly seek some form of accounting ' at a minimum, an official record of the crimes they suffered.

Done properly, the proceedings of the Extraordinary Chambers could have further positive ramifications by contributing to lasting changes in Cambodia's ordinary courts. By highlighting positive models of judging and legal advocacy, the trials may stimulate public demand for domestic tribunals that dispense justice fairly and effectively. Cambodia's government and international donors should respond to this demand by launching reform programmes.

The **Khmer Rouge** prosecutions will not be perfect. But they are necessary. Pol Pot died in 1998, but ageing senior associates like 'Brother Number Two' Nuon Chea and ex-**Khmer Rouge** president Khieu Samphan live freely in Cambodia. With sufficient resources, and a determination not to compromise on quality, the Extraordinary Chambers can provide a measure of justice for the victims and an example of law's power to serve the public good.

James A Goldston

James A Goldston is executive director of the Open Society Justice Initiative, which pursues rights-based law reform worldwide. Copyright: Project Syndicate, June 2004

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ZNet | Africa

Diamonds Without Maps

Liberia, the UN, Sanctions, Diamonds, and the Kimberly Process**by Lansana Gberie; June 16, 2004**

Mr. Faulkner had won the uneasy respect of everyone in Liberia...he had spent all his money...in fighting president after president in the cause of reform. 'But no,' Mr. Nelson said... 'we don't like Faulkner.' After a while he found enough vitality to explain, 'You see, he has an idea.' 'What idea?' I asked. 'Nobody knows,' Mr. Nelson said, 'but we don't like it.'

- Graham Greene, *Journey Without Maps*.

Beyond the depravations [sic] of war and displacement, the long-term destruction of government infrastructure has left Liberians chronically unhealthy, under-nourished and poorly educated. Citizens struggle day-by-day and have little time or energy to attempt any meaningful form of citizen participation in the political life of the country. The brutality with which political opposition of any kind has been dealt in recent decades has made most citizens fearful of participating in the political process.

- Liberia: Civil Society's Role in the Political Transition

INTRODUCTION

Diamonds have been at the centre of West Africa's nightmare for more than a decade. They helped to pay for former President Charles Taylor's 14-year rampage in Liberia and for his military adventures in Sierra Leone, Guinea and Côte d'Ivoire. They were the engine of the Revolutionary United Front's horrific decade-long war in Sierra Leone. In the 1950s, Liberia became a major conduit for illicit diamonds from almost everywhere in Africa, and by the mid 1990s it had become the country of provenance for billions - not millions - of dollars worth of stolen gems.

Along with UNITA in Angola, Liberia virtually invented blood diamonds. The wars in and around Liberia and Angola were the reason for the creation of the Kimberley Process and its worldwide certification system for rough diamonds. The diamond connection was one of the most prominent reasons for the creation of UN expert panels on Angola, Sierra Leone and Liberia, in order to determine how UN arms embargoes were being subverted. Diamonds have been the subject of UN Security Council resolutions for almost a decade. It was because of the diamond-sustaining wars that there were, at the end of March 2004, more than 26,000 UN peacekeepers in Sierra Leone and Liberia, with a combined 2003-4 budget of \$1.1 billion.

Yet today, the Liberian diamond problem has been eclipsed by the business of peacekeeping, transition and reconstruction. The diamond industry was an afterthought in the Taylor government's last attempt at a five year development plan, occupying a quarter of a page in a 148 page document. And it is given even shorter shrift in the UN/World Bank Joint Needs Assessment of February 2004. There, the word "diamond" appears only once, under the heading "Forestry, Extractive Industries and Management of Natural Resources". And in a two-year proposed budget of \$488 million - most of it already subscribed by generous donors - not a single dollar was set aside to deal with diamonds. It is apparently assumed that the creation of new diamond legislation, largely copied from the laws of other countries, and the printing of a bright new Kimberley Certificate, are all that will be required to rehabilitate the Liberian diamond industry, allowing Liberia to become a member of the system that was designed to protect the world not just from the idea of blood diamonds, but more concretely from countries exactly like Liberia.

This paper argues that while diamonds represent a very small part of Liberia's potential postwar economy, they loom large in the country's political schema, and they retain their enormous potential for national and regional destabilization. Liberia's re-entry into the global diamond trade must be managed professionally and with great caution. The United Nations Security Council, UNMIL, the National Transitional Government of Liberia, and the Kimberley Process all bear great responsibility in this matter. With care and thought, diamonds could become the source of legitimate income for many thousands of Liberian citizens, and Liberia could become a respected member of the Kimberley Process. However, a casual, pro forma approach to this issue could set the stage for future destabilization, undermining massive investments in peacemaking and reconstruction, not just in Liberia but elsewhere in the region.

HISTORICAL OVERVIEW

After many years of devastating warfare - beginning with armed rebel incursions on Christmas Eve in 1989 - Liberia finally appears to be on the road to peace and stability. Charles Taylor, who started the war and then ruled the devastated country after rigged elections in 1997, was forced into exile in Nigeria in August 2003 with an international arrest warrant hanging over his head. This was shortly after he was charged with war crimes by the UN-backed Special Court for Sierra Leone. A huge UN force, 15,000 strong, has now been deployed in the country, and disarmament of Liberia's estimated 45,000 militia, suspended after a false start in December 2003, recommenced in April 2004. These are good reasons for cautious optimism.

The challenges, however, are extraordinarily daunting, and it will require many years of a sustained international presence and international support to get Liberia on its feet again. By some estimates, the war killed some 200,000 Liberians, more in proportion to its population of three million than that of Poles killed during the Second World War. Hundreds of thousands more Liberians fled the country, including a large number of the country's already small educated and professional class. Up to 450,000 Liberians were still refugees living in neighbouring countries almost a year after the end of hostilities. Almost every Liberian has experienced some kind of displacement or dislocation, and there is hardly any Liberian who does not know someone who was killed by the war. The country's infrastructure, including public buildings and other facilities, is in shambles.

Liberia, founded by freed American slaves in 1822, has never had a happy existence. Until 1980, it was ruled by a corrupt and self-serving Americo-Liberian elite, who reduced the indigenous population to near-subservience. A bloody military coup in 1980 ended the long dominance of this elite. Led by Master-Sergeant Samuel Kanyon Doe, the coup did not signal any genuine popular or indigenous mobilization. Amos Sawyer, Liberia's best known intellectual, has reflected that although the coup-makers "were all from indigenous ethnic backgrounds, only a few had lived and grown up in their communal areas and been socialized in indigenous values." As a result, "many of them partook of the subculture of the urban unemployed and reflected the characteristic suspicion and opportunism typical of that group... Two impulses seemed to dominate [the coup-makers'] behaviour. The first was the impulse to rule in a brutal and tyrannical manner with the liberal use of the machine gun; the second was to satisfy personal greed by raids not only on the public treasury but, with the use of the gun, on people in the society."

Doe's regime was one of psychotic brutality, murdering opponents and carrying out ethnic purges. The country imploded into civil war in 1989 after one of Doe's former officials, Charles Ghankay Taylor - who had fled Liberia after being charged with stealing \$900,000 from the state - launched a violent incursion aimed at overthrowing Doe. The insurrection quickly devolved into ethnic purges, vandalism and pillage on a large scale, leading to the creation of West Africa's first warlord-type economy and the spread of violence into neighbouring countries. Plunder of the region's rich primary resources - timber and rubber at first, and later diamonds - became the bedrock of Taylor's warlord insurgency. In January 2000, Partnership Africa Canada (PAC) published a study which placed responsibility for Sierra Leone's decade-long war on Taylor, who mentored, supported and managed the nihilistic Revolutionary United Front (RUF) guerrillas, looting Sierra Leone's diamond resources for his own personal and political ends. The report noted that Liberia had "become a major entrepot for diamonds, guns, money laundering, terror and other forms of organized crime. The astoundingly high levels of its diamond exports bear no relationship to its own limited resource base." A subsequent UN investigation the same year amplified PAC's findings, and recommended comprehensive sanctions on Liberia, including a ban on its diamonds and timber exports, as well as travel ban on senior Liberian government officials, including President Taylor.

Two Phases

Liberians distinguish two phases in Taylor's civil war. The first phase involved the fighting that started in 1989 and ended, after more than a dozen broken peace agreements, with the elections that brought Taylor to power in 1997. The second phase began in 2001, after the emergence of Liberians United for Reconciliation and Democracy (LURD), which was created from remnants of die-hard anti-Taylor factions. LURD received active support from Guinea, which had repelled Taylor-supported armed incursions into the country's diamond-rich southeastern forest regions in 2000. Then, in September 2002, widespread violence broke out in Côte d'Ivoire after a failed coup, and three rebel factions emerged soon after. Two of them, operating in western parts of the country bordering Liberia, comprised mainly ex-RUF and Liberian soldiers. In reaction, the Ivorian authorities armed and supported a faction of LURD called the Movement for Democracy and

Elections, MODEL. By July 2003, these rebel forces - LURD and MODEL - were besieging Monrovia. With the country once again facing a humanitarian catastrophe, the Economic Community of West African States (ECOWAS) initiated talks in Accra, bringing together the rebel leaders and President Taylor. A "Comprehensive Peace Agreement" was signed in August 2003. The Agreement, "gravely concerned about the...civil war...[which has led] to loss of innumerable lives, wanton destruction of our infrastructure and properties, and massive displacement of our people," announced an immediate cessation of hostilities and provided for the setting up of an interim coalition government - comprising LURD, MODEL, remnants of Taylor's government and civil society. Taylor relinquished power on 11 August, and went into exile in Nigeria. A National Transitional Government of Liberia (NTGL), under the presidency of businessman Gyude Bryant, was established, and a UN peacekeeping force - the United Nations Mission in Liberia (UNMIL) - began to deploy on 1 October, 2003.

The National Transitional Government of Liberia

On paper, the NTGL looks like an unwieldy coalition of former enemies. The Defence Minister, Daniel Chea, held the same position under Taylor; the Economic Development Minister, J. Laveli Supuwood, a University of Detroit-trained lawyer, is a former Taylor protégé who loudly broke up with Taylor, becoming his enemy and joining LURD. MODEL members, technically enemies of both, hold important ministerial positions as well (e.g. the foreign ministry). In fact, there is little rancour among these former "enemies". The only real schism in the country now appears to exist between the leaders of these factions, holding comfortable positions in Monrovia, and their impoverished and derelict combatants, desperate to disarm in order to earn the paltry sums handed out to them by UNMIL in exchange for weapons. The civil war, in other words, was largely a mercenary and opportunistic enterprise, having no ideological and little ethnic basis.

In still other words, Liberia's politics have not changed much since the English writer Graham Greene visited in the early 1930s and wrote a travel book describing a Byzantine configuration that confuses more than it enlightens. "Liberian politics were like a crap game played with loaded dice," Greene wrote. "There was a kind of unwritten law that the President could take two terms of office and then he had to let another man in to pick the spoils. It was a question of letting...the newspapers were his; most important of all, he printed and distributed the ballot papers. When King returned in 1928 he had a majority over his opponent...of 600,000, although the whole electoral role amounted to less than 15,000." When Greene encountered the President, "Africa, lovely, vivid and composed, slipped away, and one was left with... an affable manner and rhetoric, lots of rhetoric... 'Once elected, [the President said], and in charge of the machine...why then, I'm boss of the whole show.'"

The main difference today is that the "boss of the whole show" is not really the affable President Bryant, but Jacques Paul Klein, the UN Secretary General's Special Representative and political head of UNMIL. The NTGL has no money, no army, and it controls no territory: it is a symbolic arrangement to give local colour to the transition process set out in the Accra Agreement, a place marker to see the country through the disarmament process and into general elections set for October 2005. Klein - and to some extent American Ambassador John Blaney (the US is Liberia's biggest bilateral donor) - dominate the political scene. The Liberian political class is fragmented and disorganized, with at least 16 presidential aspirants waiting to contest the forthcoming elections. The most important of these is Ellen Johnson-Sirleaf, a veteran politician and civil society activist who heads the Unity Party. Johnson-Sirleaf is currently head of the Accra-created Governance Reform Commission (GRC). Acutely aware of this fragmentation, Johnson-Sirleaf and other political leaders are working towards stronger political coalitions ahead of the elections. This may yet work. Liberia has a vibrant civil society. There are at least 29 newspapers in the country, all of them, however, small-scale publications with circulations of not more than 500 per issue, owned and edited by the proprietors themselves, and all of them based in Monrovia. There are also many human rights and other political organizations. Despite, or perhaps because of the diversity, Liberia could emerge from the civil war with a more transparent and accountable government than ever before.

LIBERIAN DIAMONDS

Diamonds were discovered in Liberia just before World War I, but it was not until 1925 that the giant British-owned Consolidated African Selection Trust (CAST) sent in prospectors. They reported no finding worthy of commercial enterprise. In 1933, the Holland Syndicate reported diamond occurrences in the Koenbong area, close to the Sierra Leone border. The Holland Syndicate spent about £40,000 on prospecting, and in 1934 offered to sell its concessions to CAST. A skeptical

CAST instead offered to work the diamond mines with the Holland Syndicate on a profit-sharing basis, and an agreement was struck. A Government mining company operating at about the same time reported only \$365 worth of diamond exports in 1936/7. CAST left the country after failure to reach agreement with the Liberian government on mining issues. It was not until the 1950s that diamond dealers began to move into Liberia, largely because of the huge finds in neighbouring Sierra Leone and Guinea. In 1957, over one million carats of diamonds were officially exported from Liberia, a large proportion of these undoubtedly smuggled from Sierra Leone and Guinea. After the authorities in Sierra Leone instituted tighter controls on diamond mining activity in the 1960s and 1970s, Liberian diamond exports fluctuated, and on average the country exported only small amounts of diamonds, a large proportion of them low-value industrials. By the mid-1980s, prospectors had all but given up on Liberia as a diamond producer of commercial viability.

All mining activity in Liberia is artisanal. The diamond reserves are entirely alluvial although a Canadian company, Mano River Resources, which has had a 5-year presence in Liberia, recently announced that deposits of kimberlite exist in western Liberia, close to the border with Sierra Leone. In May 2004 the company announced that it had acquired a reconnaissance license from the Liberian government covering the area. The previous month, Vancouver-based Diamond Fields International Ltd. announced that it had obtained "two reconnaissance licenses in Liberia, one of which is a diamond prospect, the other a gold prospect." The concession area covers an area of "approximately 2000 km²" in Nimba County, in the northwest of Liberia. The area is host to extensive artisanal alluvial mining, but Diamond Fields says that the company will "focus on kimberlite exploration."

One of the more controversial mining ventures in Liberia in recent years has been famed American televangelist Pat Robertson's Freedom Gold Ltd. and its relationship with Charles Taylor. The company signed a "Mineral Development Agreement" with Taylor's government in April 1999, under which the company was to "mine, sell, export and explore minerals" (diamonds and gold) in Liberia, and give a three per cent royalty to the Liberian government. The Liberian Legislature refused to ratify the agreement, but the venture proceeded nevertheless. Freedom Gold started a diamond mining venture in southeastern Liberia the following year. It subsequently emerged that the company's deal with Taylor included a 10 per cent ownership by the President, excluding royalties and rental fees. Robertson was apparently so pleased with the arrangement that when, after Taylor's 2003 indictment, U.S. President George W. Bush (for whom Robertson reserves strong admiration and support) called on Taylor to resign, Robertson berated the American President, accusing him of "undermining a Christian Baptist President [Taylor is loudly Baptist] to bring in Muslim rebels." Freedom Gold remains a registered company in Liberia.

Diamond speculation and premature announcements of success by junior mining firms have marked the industry everywhere for more than a century. The most valuable known diamond occurrences in Liberia are found in the western and northwestern regions (Grand Cape Mount, Gbarpolu - formerly Lower Lofa, and Lofa Counties). Of the twenty mining districts in Liberia, thirteen are located in these regions. Despite billions of dollars in Belgian diamond imports with a Liberian provenance during the 1990s, official Liberian diamond exports have never been high. The best estimates of Liberian production capacity seldom exceed \$10 million per annum, and this figure has never, in fact, been reached. Compared with other countries, Liberian diamonds are of relatively low quality: 40 per cent gem quality, compared with 70 per cent in Sierra Leone and 80 per cent in Guinea. Official Liberian diamond exports in 1999 totaled 8,500 carats. The Ministry of Lands, Mines and Energy estimates that this figure represented only 10 - 15 per cent of what actually left the country that year, but the total would still have been small. In 2000, diamond production increased to 22,112 carats, representing a 162.1 per cent rise over 1999. In the first quarter of 2001, diamond output increased again by 78.5 per cent over the corresponding quarter of 2000. But these are still tiny amounts, insignificant in comparison with Sierra Leone, which itself has a small diamond industry by world standards. Since May 2001, after UN sanctions were imposed on Liberian diamonds, there has been no official export of diamonds from Liberia, and Central Bank statistics indicate no transactions. Curiously, even though Liberia was officially exporting no diamonds, there were, in 2002, still three diamond exporters in the country: MARS Diamonds, the Empire Diamond Company, and Diandorra Minerals. In addition to these, there were twelve recognized diamond brokers and ten diamond broker agents operating in the country.

According to the "Act Adopting a New Minerals and Mining Law," passed on 3 April 2000, in order to obtain a mining license in Liberia, an applicant must apply to the Minister of Lands, Mines and Energy, and pay a fee of US\$10,000 to work a mining plot of 100 square kilometers. The applicant must also pay a surface rental fee of US\$6,776, an income tax of 35 per cent, and an employees' withholding tax.. The Minerals and Mining Law of Liberia requires that anyone who wishes to

engage in the buying and selling of diamonds, whether for local resale or for export, must apply to the Minister of Lands, Mines and Energy to obtain a permit and a license. Only Liberians are authorized by law to engage in the buying and resale of diamonds on the local market. But foreigners and Liberians who have the capacity to buy diamonds for the export market may do so once they meet the stipulated requirements. A diamond buyer for the local market is required to pay an annual license fee of US\$750; an exporter US\$14,000, plus three per cent of the appraised value as royalty. Further, the individual or company must have a bank guarantee of not less than US\$50,000.

These numbers are important, because they show that if Liberia was actually able to export its full annual potential of \$10 million worth of diamonds - ten times the volume of recent years - the government revenue would still remain small. The three per cent export tax would yield only \$300,000, and other fees might generate an additional \$200,000. This has serious implications for the country's ability to establish and pay for a Kimberley-compliant certification system.

Prior to the war, the diamond trade was dominated (in numbers of players) by ethnic Mandingo elements (Marakas) who held large claims and who also accounted for the large majority of those involved in buying and selling. But Lebanese traders, with better credit facilities and more contacts, controlled much of the trade, buying gems from miners and Marakas and reselling to buyers abroad, mainly in Europe. A significant quantity of stones was smuggled out. Under the Taylor regime, the President of Liberia officially controlled the diamond trade. A Strategic Commodities Law granted the President full authority to negotiate and approve any treaty or agreement on behalf of the Liberian government. All finds from mining operations had to be reported to the local mining agent. The Inspector General of Mines was the most important single Liberian involved in the trade. All finds had to receive his approbation either directly or indirectly through sub-agents before they could be sold. Additionally all mines were required to surrender a certain percent of their finds and in some cases they were confiscated by the Inspector General, who reported directly to the President. Under this arrangement, the Ministry of Lands and Mines played only a marginal role in the export of diamonds.

Today, the Ministry, like other government institutions, is badly degraded. A large number of its employees fled during the war or were killed. The new Minister, Jonathan Mason, is a geologist with a sound understanding of mining issues and the challenges his ministry faces in simply trying to revamp the bureaucracy. He thinks that it will take six months to a year after the disarmament before the government can put legislation and effective control mechanisms in place with reasonable oversight and Kimberley Process-compliant diamond mining activities.

UN SANCTIONS

An issue of great sensitivity and concern to all Liberians, irrespective of political affiliation, is the UN sanctions imposed on the country at the height of Taylor's power in 2001. The sanctions, as noted above, were recommended in late 2000 by a UN Panel of Experts which investigated Liberia's links to the Revolutionary United Front (RUF) of Sierra Leone. The Panel established that these links were premised on illegal diamond and weapons deals between President Taylor and the RUF, as well as the criminal exploitation of Liberia's own forest resources. The UN Security Council imposed an embargo on Liberia's diamond exports, a travel ban on senior Liberian officials and their families, including Taylor, and a ban on the importation of weapons. After three annual reviews, the sanctions remained in place. A fourth review mission by a seven-man UN Panel arrived in the country in April 2004 and spent two weeks in the country.

The cash-strapped NTGL is eager to have the sanctions lifted, even though it has no control over territories that are, in effect, covered by the sanctions, like the diamond mining areas of Nimba County. The Analyst, one of Liberia's better dailies, has been more ambivalent. While noting, in an editorial, that "conditions in the country are so stringent that no Liberian is willing to endure another year of a sanction regime that has all but nailed down the intended target" (a reference to Taylor's forced resignation), it preferred to "look forward not to a situation whereby the sanctions will be summarily lifted out of empathy without putting into place safety nets necessary for the protection of Liberia's forest and mineral resources." Though "desperate at the moment," the paper concluded, the Liberian people "still crave for a secure future."

The main reason why the issue, so apparently clear-cut, remains so sensitive, particularly with respect to diamonds, has to do with Liberia's long history of dealing in stolen diamonds from its neighbours, a phenomenon that far predated Taylor. It also has to do with the capacity of Liberia to

meet the minimum requirements of the Kimberley Process Certification Scheme and whether or not it will be allowed to trade its diamonds internationally with other participants.

The Security Council and the Kimberley Process

In March 2001, the United Nations Security Council placed an embargo on the export of diamonds from Liberia, agreeing that "all States shall take the necessary measures to prevent the direct or indirect import of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia." The embargo was extended, and was reviewed again in 2003, at which time the Security Council added a ban on the export of Liberian timber. It extended the ban on diamonds through May 2004, and called on the government of Liberia "to establish an effective Certificate of Origin regime for Liberian rough diamonds that is transparent, internationally verifiable and fully compatible with the Kimberley Process."

With the advent of a peace agreement and the establishment of a transitional government in Liberia, in December 2003 the Security Council reiterated the ban on Liberian diamonds and restated its call on the government to establish a certificate of origin regime "with a view to joining the Kimberley Process". The new resolution expressed a readiness to terminate the ban on diamonds when the Committee overseeing Liberian affairs, "taking into account expert advice, decides that Liberia has established a transparent, effective and internationally verifiable Certificate of Origin regime for Liberian rough diamonds." It "encouraged" the National Transitional Government of Liberia to take steps to join the Kimberley Process as soon as possible.

There are, however, several problems that must be overcome in resolving the problem of Liberia and diamonds:

1. The Kimberley Process cannot entertain an application for membership from a country operating under a UN embargo. Technically, the embargo must be lifted before KPCS membership can be entertained.
2. The KPCS requires that a potential participant be willing and able to meet the system's minimum standards for the regulation of rough diamonds. The ability to meet these standards includes the promulgation of appropriate legislation and regulations and the issuance of a Kimberley process certificate with agreed security features.

While Liberia may well be able to produce an acceptable certificate and appropriate legislation in the near future, the question arises as to whether or not the legislation can actually be enforced, and whether or not a Kimberley system can be paid for.

THE WILD CARD: CHARLES TAYLOR

In June 2003, while attending ECOWAS-brokered talks in Accra, Charles Taylor was indicted by the UN-backed Special Court for Sierra Leone for "bearing the greatest responsibility" for war crimes committed during Sierra Leone's decade-long conflict. The 17 charges include murder, sexual slavery, rape and the use of child soldiers. Taylor was said to have traded arms for diamonds with the RUF - which he had himself helped create - reaping profits while strengthening the group. In announcing the indictment, the Court's prosecutor David Crane said: "My office was given an international mandate by the UN to follow the evidence impartially wherever it leads. It has led to unequivocally to Taylor."

Taylor was not handed over to the Court, however. A deal brokered by West African leaders allowed Taylor to go into exile in Nigeria instead. An international arrest warrant for him remains outstanding, and the US Congress has posted a \$2 million reward for anyone who hands Taylor over to the Court.

The idea that Taylor might be prevented from facing the Court is unconscionable. Nigerian President Olusegun Obasanjo has stated that he will surrender Taylor to Liberia if asked to do so by the Liberian government. The issue is not whether Nigeria should surrender Taylor to Liberia, or whether Nigeria needs the permission of Liberia to meet its international obligations. The issue is whether Nigeria, as a member of the United Nations, a Member of Interpol which has issued the arrest warrant for Taylor, and a Member of the Management Committee of the Special Court for

Sierra Leone, should surrender Taylor to the Court that has indicted him. On May 1, 2004, the Presidents of Guinea and Côte d'Ivoire called for Nigeria to do precisely this, as have Amnesty International, Human Rights Watch and many other human rights organizations.

In one of his final speeches as President of Liberia, Taylor said, "God willing, I shall return." Those who know him have little doubt that given the time and the resources, he will try

CONCLUSIONS

Liberia is at a "crossroad." Over a decade of brutal, pointless warfare has left the country in a state of great decrepitude. Poverty and despair permeate the society; the educational system is in shambles. The University of Liberia was vandalized several times during the war, and at the time of writing it remained closed for lack of funds. There is no electricity or running water. Many buildings, both private and public in Monrovia were vandalized or torched. Beyond Monrovia, conditions are infinitely worse. Simply rebuilding what was destroyed during the war will require an enormous investment of money and technical skills, two things acutely lacking in Liberia at present.

In this situation, the issue of UN sanctions, imposed on the country as a result of the criminality of a hated leader, is a sensitive one. There are good reasons why the sanctions should be lifted now. Charles Taylor's government, the original target of the sanctions, is no longer in power; there is a new, more acceptable government in place which, though weak and lacking in resources, is supported by the international community and one of the largest UN peacekeeping forces in the world. Sanctions or no sanctions, illicit diamond mining has continued in Liberia (though on a small scale) and it will escalate once disarmament has been completed. As long as sanctions exist, and as long as Liberia is kept out of the Kimberley Process, its diamonds will simply be smuggled into the international system. And while diamonds will never provide the government with significant revenue, they do represent a means of income to the families of the thousands of people who could or do dig for them. Additionally, there is an issue of optics. The government is undoubtedly keen to see the lifting of sanctions as soon as possible, as a mark of its own legitimacy.

There are strong arguments for caution, however. Liberia has a long history of trading in stolen gems from its neighbours, and proper governmental and independent oversight is needed to ensure that this does not happen in future. Also necessary is a realistic estimate of Liberia's production capacity. This has been complicated in the past by bogus or unverifiable claims from mining companies and even government officials. The 2000 government announcement of a major find at Paynesville and the subsequent mining fever is a good example.

Underlying all these problems is the absence of the most basic levels of governance in the country at present. Many mining areas are still occupied by one rebel faction or the other. Much of the country inland is divided between MODEL or LURD, even though UNMIL deployment has created some sense of official Liberian presence. The Armed Forces of Liberia (AFL), which was essentially the personal army of Taylor, self-destructed shortly after Taylor's ouster, and some of its members have organized themselves into bands of armed robbers who occasionally terrorize Monrovia. The NTGL is lacking in a defence force, and the police force is a badly downgraded institution, decrepit in both appearance and ability.

RECOMMENDATIONS

1. Retain the Diamond Embargo: The UN Security Council should extend the embargo on Liberian diamonds until the country is fully able to implement a Kimberley Process certification system. The NTGL should endorse this position in order to demonstrate its good faith in establishing adequate controls.
2. A Role for the Kimberley Process: The UN Security Council should ask the Kimberley Process, on the request of the Government of Liberia, to review any proposed Government of Liberia system once it is fully in place, with a view to making a recommendation on Liberian participation in the KPCS and a final removal of UN sanctions.
3. Cost: Assuming an end to rebel occupation of the diamond areas, the 50 year history of diamond smuggling into Liberia will only be countered by an effective regulatory system. This may well cost

as much as \$1 million per annum. Donors must be found in the short and medium term to meet the cost of any new regulatory system. If Liberia is left to its own devices on this matter, it will fail (see text box, page XX).

4. Capping: Managing an eventual KP certification system in Liberia will be complex. A return to the free-for-all approach of the past, with the temptations that accompany lax management and a high-value commodity, risks a return to the destabilization that has plagued Liberia, its neighbours and the West African diamond economy. This cannot be allowed to happen.

One way of encouraging the Liberian diamond industry, but keeping it within appropriate parameters, is to limit Liberian diamond exports to the country's known diamond resource base, both in the volume and the value of diamonds to be exported. When it has control over the diamond areas and has created appropriate legislation and a certificate of origin, the Government of Liberia should invite a KP Review Mission to study its ability to comply with KPCS standards (as noted in Recommendation 2, above), and to set upper limits, by volume and value, on the export of diamonds. This limit could be reviewed whenever a significant change in the country's mining capacity has occurred. Without such a "capping" arrangement, Liberia could well become prey once again to those who would use its name and its territory to launder diamonds from other countries.

5. A Role for ECOWAS: Like security, diamonds have become a regional issue in West Africa. The problems extend not just to Liberia's immediate neighbours, Guinea, Sierra Leone and Côte d'Ivoire, but to countries further afield, including Burkina Faso and Gambia. Nigeria, which has borne the weight of the regional peacekeeping effort, has a major stake in ensuring that the region's diamond resources are well managed, for the benefit of the citizens of the countries in which they are mined. While ECOWAS has played an important role in ending the conflicts, it has dealt so far mainly with symptoms rather than causes. ECOWAS should consider the possibility of a deeper engagement in the economic drivers of conflict, with a view to ensuring good management of natural resources -- such as diamonds -- throughout the region.

6. Surrender Charles Taylor: The UN Security Council should request the Government of Nigeria to surrender Charles Taylor to the Special Court in Sierra Leone. Taylor's continuing ability to evade justice, apparently with the tacit approval of the Security Council, sends a very bad message to the Sierra Leoneans, Liberians and others who have suffered at his hands. The NTGL should also request that Taylor be brought to justice.

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HEADLINE: NAMIBIA, **ANGOLA URGE** AFRICAN ACTION AGAINST **MERCENARIES**

BODY:

The 12th session of the Namibia/**Angola** Joint Commission on Defence and Security is scheduled to take place in **Angola** in 2005.

Resolutions taken at the 11th session in Walvis Bay, ending last Friday (11 June), indicated that the commission reviewed and discussed the general security situation prevailing in the two countries, (along with) regional and continental issues of common interest in the areas of defence, public security and state security.

A media statement issued recently by the Namibian Defence Force (NDF) lamented that, with regard to the recent arrest of **mercenaries** in Zimbabwe, the commission condemned the cowardice act of **mercenaries**, who attempted to overthrow legitimate governments. "In that regard, the commission felt that there is an urgent need for African governments to put appropriate measures in place to curb the activities of **mercenaries**," it stressed.

The commission noted with concern the deteriorating security situation in the Democratic Republic of Congo, especially the attempted coup d'etat and the occupation of Bukavu by rebels in the eastern part of that country which poses a threat to peace efforts in the region. The commission therefore supports all initiatives aimed at implementing the DRC peace accord.

The statement highlighted that the commission expressed appreciation made by the UN and African countries to reach peace and stability in Africa, adding that the commission commended the deployment of a NDF Battalion in Liberia as part of the UN Peacekeeping force.

The commission noted with appreciation the establishment of the African Parliament and the commissioning of the Peace and Security Council of the AU. Furthermore, the commission hoped that other mechanisms provided for in the Protocol on the Peace and Security Council of AU will be implemented.

It stressed: "The commission noted with concern the violation of the Angolan borders by foreign nationals who enter into **Angola** in large numbers to illicitly explore and trade in diamonds."

The statement indicated that the commission noted with appreciation the successful elections in South Africa, Malawi as well as the electoral process in Namibia, hoping that democracy in the country would be strengthened during the November 2004 presidential, parliamentary and regional council elections.

"Having noted the continued prevalence of the HIV/AIDS pandemic in the region, the commission encouraged the two countries to re-double their efforts in strengthening all measures and programmes aimed at fighting and preventing the spread of this scourge," it said.

Namibian and Angolan defence ministers, home affairs, central intelligence services, the ambassadors of the two countries and senior government officials attended the three-day session.

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